

#10689071

9/24/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/067,768 Confirmation No.: 2821
Applicant : GATTO, Vincent
Filed : October 21, 2003
TC/A.U. : 1764
Examiner : Ellen M. McAvoy

Docket No. : 7391/80785
Customer Nos: 42798 (WDC) and 22242 (CHICAGO)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(b)

Petitioner, Ethyl Corporation, is the owner of 100 percent interest in the above-identified application (hereinafter "the present application").

Pursuant to 37 C.F.R. § 3.73(b), the assignment of the present application from the inventors, or chain of title from the inventors, to the Petitioner was recorded in the Patent and Trademark Office at Reel 014622, Frame 0528, on October 21, 2003 .

Also, pursuant to 37 C.F.R. § 3.73(b), the undersigned has reviewed all the evidentiary documents accompanying or referred to in this Terminal Disclaimer and, to the best of the undersigned's knowledge and belief, certifies that title is in the Petitioner.

Petitioner, through its attorneys, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application that would extend

beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173 of U.S. Patent No. 6,509,303 and U.S. Patent No. 6,645,921 (hereinafter "the prior patents"), as shortened by any terminal disclaimer filed prior to the grant of the prior patents. Petitioner, through its attorneys, further agrees that any patent granted on the present application shall be enforceable only for and during such period that its legal title is the same as the legal title to the prior patents, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term of the prior patents as defined in 35 U.S.C. § 154 to § 156 and § 173 in the event any of the prior patents terminates prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent.

Examples of such non-applicable termination of the prior patent are as follows: (1) a prior patent expires for failure to pay a maintenance fee, (2) a prior patent is held unenforceable, (3) a prior patent is found invalid by a court of competent jurisdiction, (4) a prior patent is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (5) a prior patent has all claims canceled by a reexamination certificate or reissuance, and (6) a prior patent is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In making this disclaimer, Petitioner reserves the right to extend the term of any patent granted on the present application for a period of delay, in the event the delay is

Appln. No. 10/689,071
Terminal Disclaimer

Dkt. 7391/80785
EP-7553-CON

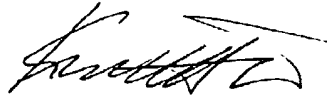
defined by statute and/or regulation as allowing, or providing for, an extension of term. This right is reserved in the event the prior patent terminates, or does not terminate, prior to the expiration of its full statutory term. Examples of such a delay include regulatory delay, and delay due to appellate review.

The undersigned is (has been) authorized to execute this document on behalf of the Petitioner.

The fee of required by 37 C.F.R. § 1.20(d) can be charged to our Deposit Account No. 06-1135, regarding Order No. 7391/80785.

Respectfully submitted,

By:



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